

# **EXHIBIT**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF THOMAS J. FORBES**

I, Thomas J. Forbes, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today.

Attached as Exhibit A to this Declaration is a true and correct copy of my birth certificate.

3. On September 11, 2001, I was present in New York City when the terrorist attacks occurred.

4. I arrived in New York City on September 5, 2001, and was staying on the 54<sup>th</sup> floor of the Millenium Hilton which is across the street from the World Trade Center. I was self-employed as an investment portfolio manager and was in New York to solidify a custodial investment agreement with a portfolio manager at Cantor Fitzgerald. I was in my room (Room #5404) and had been planning to go down to Wall Street to watch the opening of the stock

market that morning. As I was scheduled to return home to California on September 11, 2001, the hotel bill had been slipped underneath my door that morning and upon my review of the bill, I found a discrepancy and called the front desk to discuss it. I was finished with the phone call to the front desk and was ironing clothes and packing my bags when I heard the rumble of the first plane. The sound was a loud thunderous roar and then an enormous shaking of the building similar to an earthquake occurred. I went to the window of my room which overlooked the World Trade Center to see if I could see anything and I saw a large ball of fire and debris falling down which was igniting into flames as I was watching. An announcement came over the hotel's PA system telling all hotel guests to remain in their rooms and for the hotel staff to report to the lobby immediately. Then I started seeing people jumping out of the tower and I saw their bodies hit the ground at the plaza. I found myself counting the people who were jumping; some held each other's hands as they jumped. I stopped counting at seventeen people, when the next thing I remember was the rumbling sound of what I knew was another airplane. I saw the airplane hit the other tower and there was a huge fireball and the force of the impact blew me backwards in my room and I struck a marble shelf protruding from the wall with my head and tried to break my fall, injuring my left elbow. I remember trying to collect myself as to what had just happened and the pain in my elbow was excruciating. The next thing I remember was a frantic announcement over the hotel's PA system telling everyone to leave the hotel and to basically, run for your life. I grabbed my backpack, cell phone and charger and left the rest of my belongings in the room. I left my room and went to the stairwell and walked 54 floors to the lobby. In the lobby, it was absolute pandemonium. I did not go out the front doors as I could see lots of debris coming down all over the place, so I went out a side door and all I could see was devastation. I saw people running, and people burned and there was a lot of blood and I

remember thinking that it looked like a butcher's counter, and then I realized it was human flesh that I was seeing. I started making my way towards the subway entrance and it was like swimming upstream as there were lots of people heading towards the towers. I remember telling people not to go that way and that they didn't want to go there and see what I had just seen. Wanting to get as far away from the towers as I could, I was able to get on the A Train to Harlem and as soon as I got to Harlem, all the public transportation stopped. While I had been on the train, I remember a man saying that 'they' had attacked the Pentagon, and that an airplane had crashed into the Pentagon. I remember telling the man on the train that it wasn't the Pentagon that was hit by an airplane, that it was the World Trade Center, and then he explained to me that it was another airplane that had hit the Pentagon. When I got off in Harlem, which was at 125<sup>th</sup> Street, I went to Sylvia's Restaurant that I had been to the previous Saturday. While at the restaurant, I watched the news coverage and tried to call my parents in California, but there was no cell service. I kept trying to call and eventually, I was able to speak with my father and tell him that I was injured, but alive and okay. At that time, my father told me that a tower had collapsed. At that point, I remembered that I had had to leave all my business computers, equipment, client files, and other business documentation and personal belongings at the hotel. Because I was self-employed, those were important documents to my business and livelihood and I panicked and decided to start walking back towards the hotel to try and retrieve my business and personal belongings. I walked from Harlem at 125<sup>th</sup> Street and Lennox Avenue during which time the second tower must have collapsed. I got as far as 34<sup>th</sup> Street when I saw, what I assume to have been, the National Guard in jeeps and carrying rifles. It was like a war zone and I couldn't go any further than that. At that point, I called the Hilton to see if I would be able to get in to collect my belongings or get a room and I was re-routed to their midtown hotel.

When I stopped at 34<sup>th</sup> Street, there was a lady who saw me who said she was a nurse and asked if she could help me with my arm. I said that I was okay and she told me that I was not okay. There was a magazine stand nearby and she took off her sweatshirt and took two magazines from the stand and made a splint to stabilize my arm as she told me that I had dislocated my elbow. I tried calling my parents again and was able to get through to my father who had remembered that a member of their church had relatives in New York and they had an apartment and I was able to take refuge there. I did not go to a hospital in New York but waited until I got back to California. I didn't want to be in the way of other people who were more injured than I was, and there were so many who were more injured than I was. I was able to leave New York City on September 16, 2001, and at the time I boarded the plane back to California, I was still wearing the same clothes I was wearing on the day of the attack, and I kept the splint on my arm without taking it off until after I returned to California.

5. I was in New York City when the planes hit the towers and I received physical injuries in the escape and collapse. In the course of the attack and my escape, I witnessed atrocities beyond the imagination of the average citizen. The situation could only be compared to a war zone. I was going about my everyday life in a peaceful manner when we were brutally attacked by terrorists and my life was altered forever.

6. As a result of these terrorist attacks, I suffered the following specific injuries on September 11, 2001: dislocated elbow, cuts and bruises to my neck and back, PTSD, anxiety and depression.

7. I have been diagnosed with PTSD, anxiety and depression. I saw people jumping out of the buildings; people burned and saw body parts and dead people on the ground.

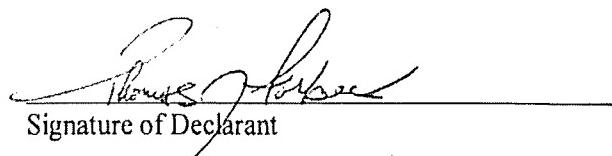
I am not able to work as I am still dealing with a lot of things psychologically and have nightmares. I am being treated for PTSD and sleep deprivation and am taking multiple medications.

8. I sought medical attention for my injuries upon my return to California. For my elbow injury, I initially went to see the orthopedic physician who had previously treated me for my knee problems. I did not have to have surgery on my elbow. Subsequently, I was sent to a specialist with a psychiatric team at the University of California San Francisco for PTSD. They also referred me to a victims support group for survivors and I attended those meetings and still attend meetings. At some point, the State of California ran out of money and was no longer going to sponsor our support meetings, and since that time, I continue to meet with other survivors to help and support each other. Attached as Exhibit B to this Declaration is a true and correct copy of some of my medical records relating to the treatment that I received following the September 11, 2001, terrorist attacks.

9. I suffered, and continue to suffer, severe emotional distress as a result of the above terrorist attacks. I suffered and continue to suffer from anxiety, PTSD and bouts of depression due to my direct exposure of the traumatic events of these terrorist attacks.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 6<sup>th</sup> day of January, 2020.



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Signature of Declarant

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**